EXHIBIT 20
(REDACTED)

In the Matter Of:

DOE vs
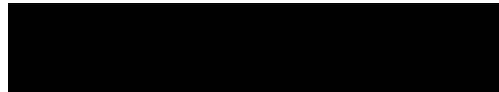
MINDGEEK USA

▬▬▬▬▬▬▬▬

August 08, 2023

LEXITAS™

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2   UNITED STATES DISTRICT COURT
     CENTRAL DISTRICT OF CALIFORNIA
3   SOUTHERN DIVISION
     ---X
4   JANE DOE on behalf of herself and all others
     similarly situated,
5
                                    Plaintiff,
6
                v.
7
     MINDGEEK USA INCORPORATED, MINDGEEK S.A.R.L.,
8   MG FREESITES, LTD (D/B/A PORNHUB), MG
     FREESITES II, LTD, MG CONTENT RT LIMITED, AND
9   9219-1568 QUEBEC, INC., (D/B/A MINDGEEK),

10
                                    Defendants.
11   ---X

12

13   VIDEOTAPED DEPOSITION OF

14   ████████████████████████

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16

17

18   DATE: August 8, 2023

19   TIME: 9:04 a.m.

20   PLACE: 1095 Avenue of the Americas, New

21   York, New York

22   BEFORE: Rebecca Schaumloffel, RPR, CCR-NJ

23   JOB NO: 2023-907124

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1   ██████████████

2   A.   They were not reporting that

3   content at that time. That doesn't mean that

4   we didn't report content from November 2019

5   to NCMEC after the fact.

6   Q.   What do you mean by content was

7   reported to NCMEC after the fact?

8   A.   Meaning that even though we didn't

9   have the mechanism to report to NCMEC in

10   November of 2019, we can still report that

11   content to NCMEC later on after we formed

12   that -- the relationship to report to NCMEC.

13   Q.   In November 2019, did MindGeek

14   have a relationship with law enforcement?

15   MS. MASSEY: Object to form.

16   A.   MindGeek cooperated with law

17   enforcement upon receiving legal requests or

18   communication from law enforcement.

19   Q.   But if MindGeek's technology like

20   Vobile MediaWise detected potential CSAM,

21   MindGeek would not report that content to law

22   enforcement in November 2019, correct?

23   MS. MASSEY: Object to form.

24   A.   Again, at the -- in November 2019,

25   we were not reporting to NCMEC at that time,

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2   A.   It was pursuant to when we started

3   reporting to NCMEC in April of 2020.

4   Q.   In April 2020, MindGeek began

5   efforts to audit content for CSAM, correct?

6   A.   MindGeek began to audit content to

7   classify it specifically at CSAM. Prior to

8   that, it would have been removed. But we

9   began the designation of content that needed

10 to be reported to NCMEC based on being

11 potential CSAM.

12   Q.   Who made the decision to begin

13 reporting content to NCMEC?

14   MS. MASSEY: Object to form.

15   A.   I don't know.

16   Q.   Who made the decision to begin

17 efforts to audit content for CSAM in

18 April 2020?

19   MS. MASSEY: Object to form.

20   A.   I don't know.

21   Q.   Did MindGeek's CEO, Feras Antoon,

22 make the decision to audit content for CSAM?

23   A.   I don't --

24   MS. MASSEY: Object to form.

25   A.   I don't know.

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1 ██████████████

2   to conduct in April 2020 involve manual

3   review of content by moderators?

4   A.   They were already reviewing

5   content manually at the time, but as part of

6   auditing processes, yes, it would include

7   manual review.

8   Q.   And the auditing process would

9   include applying tools designed to detect

10 CSAM, correct?

11   A.   Yes.

12   Q.   Is there any other procedures that

13 the audit in 2020 entailed?

14   MS. MASSEY: Object to form.

15   You can testify what you're

16   prepared to testify about.

17   A.   Yeah.   I mean, it would involve

18 reviewing other content from the same user

19 that had content removed as being potential

20 CSAM, reviewing of content based on terms

21 used for the title of content, things like

22 that.

23   Q.   Anything else you can think of?

24   A.   No.   That's what comes to mind.

25   Q.   When MindGeek began the audit in

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1   ███████████

2   would have been removed from the website.

3   Q.   And part of the 2020 audit of

4   content was recategorizing certain pieces of

5   content as TOS8 violations, correct?

6   A.   Yes.

7   Q.   Can you turn back to the first

8   page of Exhibit 42, please.

9   A.   Okay.

10   Q.   Do you see on February 25, 2021,

11   you e-mailed an attachment titled "Requested

12   Stats - CMS"?

13   A.   That's what it states, yes.

14   Q.   And you wrote to ███████████

15   "Please see attached. These may not be

16   directly related to tools but will give us

17   insight into TOS's content on macro and micro

18   levels. Some of these are probably nice to

19   have, but I figured I'd include just in

20   case," correct?

21   A.   Yes.

22   Q.   Okay. Let's look at the

23   attachment.

24   MS. GREGORY: I'll mark as

25   Exhibit 43 a document with the Bates

✱✱✱

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2   Q.   What does a rescan refer to?

3   A.   A rescan refers to the process

4   we -- where we are scanning previously

5   uploaded content against any of the tools

6   that we mentioned before to determine if

7   previously uploaded content could be

8   potential CSAM.

9   Q.   Each time a new tool is

10 implemented is it applied to all previously

11 uploaded content?

12   A.   No, not necessarily.

13   Q.   What factors would determine

14 whether that tool is applied to previously

15 uploaded content?

16   A.   We would evaluated the databases

17 that the -- hash databases that the tool is

18 running against. So, for example, if a tool

19 has duplicative hash databases, that would be

20 a factor of whether we would rescan with that

21 tool or not.

22   Q.   When MindGeek begins the process

23 of rescanning previously uploaded content,

24 does MindGeek begin with content uploaded a

25 particular time period?

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1   ████████

2   MS. MASSEY: Object to form.

3   A.   The decision is based on the

4 status of the content. Obviously, if you're

5 rescanning a large number, it's going to take

6 some time. You don't want to send a large

7 volume at the same time, but it's -- like I

8 said, it's based on the status of the

9 content, not necessarily the upload date.

10   Q.   When you say "status of the

11 content," what do you refer to?

12   A.   So if the content is active

13 versus -- we wouldn't rescan something that

14 had already been TOS'ed, for example. Like

15 if it was already removed for CSAM, there is

16 no reason for us to rescan that content.

17   Q.   So you would prioritize rescanning

18 active content?

19   A.   I don't want to say we would

20 prioritize it. We would just make sure that

21 we are rescanning content that hadn't been

22 previously TOS'ed.

23   Q.   How do you identify which content

24 had been previously TOS'ed?

25   A.   We can identify it in our system.

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1   ████████████████

2   topics?

3   A.   In preparation we didn't talk

4   about this specifically. I -- we had

5   prepared this recently, so I'm very familiar

6   with it.

7   Q.   Exhibit 46 lists all videos

8   uploaded to Pornhub.com that has been

9   identified as TOS8, correct?

10   A.   Yes.

11   Q.   Exhibit 46 does not include all

12   videos identified as potential CSAM on

13   Pornhub.com, correct?

14   A.   TOS8 is the reason as potential

15   CSAM. So anything that we've identified or

16   been made aware of that we've TOS'ed for TOS8

17   and then reported to NCMEC is within this

18   spreadsheet.

19   Q.   Is there a universe of videos that

20   have been identified by MindGeek as potential

21   CSAM that were not categorized as TOS8?

22   A.   Yes.

23   Q.   What is that universe of videos?

24   A.   These are videos specifically that

25   were reported to NCMEC during that April 2020

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1   ██████████████

2   Q.   TOS date reflects the date on

3   which MindGeek identified the video as TOS8

4   in the CMS, correct?

5   A.   Yes.

6   Q.   And by filter here the earliest

7   date is June 5, 2020.

8   Do you see that?

9   A.   That's what it looks like on here.

10   Q.   And that's because MindGeek began

11   using the TOS8 classification in June 2020,

12   correct?

13   A.   Correct.

14   Q.   Column V is titled "TOS Subtype,"

15   correct?

16   A.   Yes.

17   Q.   What does TOS subtype refer to?

18   A.   This is an additional field that

19   we can select when removing content for TOS8.

20   You can see it's unclassified or it's A1, A2,

21   B1 or B2.

22   Q.   And what do A1, A2, B1, B2 refer

23   to?

24   A.   So this is a classification where

25   A means prepubescent and B mean pubescent.

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 2        C E R T I F I C A T E

 3

 4   STATE OF NEW YORK        )
                         :  SS.:
 5   COUNTY OF NASSAU          )

 6

 7            I, REBECCA SCHAUMLOFFEL, a Notary

 8   Public for and within the State of New York,

 9   do hereby certify:

10            That the witness whose examination

11   is hereinbefore set forth was duly sworn and

12   that such examination is a true record of the

13   testimony given by that witness.

14            I further certify that I am not

15   related to any of the parties to this action

16   by blood or by marriage and that I am in no

17   way interested in the outcome of this matter.

18            IN WITNESS WHEREOF, I have hereunto

19   set my hand this 10th day of August, 2023.

20   _____

21            REBECCA SCHAUMLOFFEL

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